04-27-09

Express Mail Label No.: EM067770102US

Date of Deposit: April 24, 2009

Attorney Docket No. 25619-501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Schoenfeld, et al.

Serial Number:

09/806,400

Examiner:

Ron Schwadron, Ph.D.

Filing Date:

March 30, 2001

Art Unit:

1644

For:

Compositions for the Prevention and/or Treatment of Atherosclerosis

Mail Stop: Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Enclosed herewith for filing in the above-identified application please find the following documents:

- 1. Appeal Brief (9 pages) (in triplicate);
- 2. Check No. 26179 in the amount of \$270 for Appeal Brief fee;
- 3. Evidence Appendix (118 pages) (in triplicate);

Declaration of Dror Harats Under 37 C.F.R. § 1.132 dated December 4, 2005, filed with the U.S. Patent and Trademark Office on December 7, 2005 (5 pages);

Declaration of Dror Harats Under 37 C.F.R. § 1.132 dated August 28, 2006, Filed with the U.S. Patent and Trademark Office on August 31, 2006 (2 pages);

References submitted to the U.S. Patent and Trademark Office on December 7, 2005, (111 pages);

- Bocan, Curr. Pharm. Des. 4(1):37-52, 1998;
- Ishibashi et al., *J Clin Invest.* 92:883–893, 1993;
- Lichtman et al., Arterioscler. Thromb. Vasc. Biol. 19(8):1938-44, 1999;
- Maron, R. et al., FASEB J. 14:A1199-(Abstr.), 2000;
- Babaei et al., Cardiovasc Res. 48(1):158-67, 2000;
- Burleigh et al., Biochem Pharmacol. 70(3):334-42, 2005;
- Chen et al., Circulation. 106(1):20-3, 2002;
- Collins et al., Arterioscler Thromb Vasc Biol. 21(3):365-71, 2001;

IFW #

- Cyrus et al., Circulation. 107(4):521-3, 2003;
- Elhage et al., Am J Pathol. 167(1):267-74, 2005;
- Li et al., J Clin Invest. 106(4):523-31, 2000;
- Napoli et al., Proc Natl Acad Sci USA. 99(19):12467-70, 2002;
- Roselaar et al., Arterioscler Thromb Vasc Biol. 16(8):1013-8, 1996; and
- Wang et al., Atherosclerosis. 162(1): 23-31, 2002.

4. Return Postcard.

Applicants believe that no additional fees are due in this filing, however, the Commissioner is authorized to charge any additional fees due, or credit any overpayment of same, to the undersigned's account, Deposit Account No. 50-0311, Reference No. 25619-501.

Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529 Matthew Pavao, Reg. No. 50,572

Attorneys for Applicants

c/o MINTZ, LEVIN Tel: (617) 542-6000

Fax: (617) 542-2241 **Customer No.: 30623**

Dated: April 24, 2009

Express Mail Label No.: EM067770102US

April 24, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Schoenfeld, et al.

Serial Number:

09/806,400

Examiner:

Ron Schwadron, Ph.D.

Filing Date:

March 30, 2001

Art Unit:

1644

For:

Compositions for the Prevention and/or Treatment of Atherosclerosis

Mail Stop: Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Enclosed herewith for filing in the above-identified application please find the following documents:

- 1. Appeal Brief (9 pages) (in triplicate);
- 2. Check No. 26179 in the amount of \$270 for Appeal Brief fee;
- 3. Evidence Appendix (118 pages) (in triplicate);

Declaration of Dror Harats Under 37 C.F.R. § 1.132 dated December 4, 2005, filed with the U.S. Patent and Trademark Office on December 7, 2005 (5 pages);

Declaration of Dror Harats Under 37 C.F.R. § 1.132 dated August 28, 2006, Filed with the U.S. Patent and Trademark Office on August 31, 2006 (2 pages);

References submitted to the U.S. Patent and Trademark Office on December 7, 2005, (111 pages);

- Bocan, Curr. Pharm. Des. 4(1):37-52, 1998;
- Ishibashi et al., *J Clin Invest.* 92:883–893, 1993;
- Lichtman et al., Arterioscler. Thromb. Vasc. Biol. 19(8):1938-44, 1999;
- Maron, R. et al., FASEB J. 14:A1199-(Abstr.), 2000;
- Babaei et al., Cardiovasc Res. 48(1):158-67, 2000;
- Burleigh et al., Biochem Pharmacol. 70(3):334-42, 2005;
- Chen et al., Circulation. 106(1):20-3, 2002;
- Collins et al., Arterioscler Thromb Vasc Biol. 21(3):365-71, 2001;

- Cyrus et al., Circulation. 107(4):521-3, 2003;
- Elhage et al., Am J Pathol. 167(1):267-74, 2005;
- Li et al., J Clin Invest. 106(4):523-31, 2000;
- Napoli et al., Proc Natl Acad Sci USA. 99(19):12467-70, 2002;
- Roselaar et al., Arterioscler Thromb Vasc Biol. 16(8):1013-8, 1996; and
- Wang et al., Atherosclerosis. 162(1): 23-31, 2002.

4. Return Postcard.

Applicants believe that no additional fees are due in this filing, however, the Commissioner is authorized to charge any additional fees due, or credit any overpayment of same, to the undersigned's account, Deposit Account No. 50-0311, Reference No. 25619-501.

Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529 Matthew Pavao, Reg. No. 50,572

Attorneys for Applicants c/o MINTZ, LEVIN

Tel: (617) 542-6000 Fax: (617) 542-2241

Customer No.: 30623

Dated: April 24, 2009

Express Mail Label No.: EM067770102US

Date of Deposit: April 24, 2009 Attorney Docket No. 25619-501

APR 24 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Schoenfeld, et al.

Serial Number:

09/806,400

Examiner:

Ron Schwadron, Ph.D.

Filing Date:

March 30, 2001

Art Unit:

1644

For:

Compositions for the Prevention and/or Treatment of Atherosclerosis

Mail Stop: Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Enclosed herewith for filing in the above-identified application please find the following documents:

- 1. Appeal Brief (9 pages) (in triplicate);
- 2. Check No. 26179 in the amount of \$270 for Appeal Brief fee;
- 3. Evidence Appendix (118 pages) (in triplicate);

Declaration of Dror Harats Under 37 C.F.R. § 1.132 dated December 4, 2005, filed with the U.S. Patent and Trademark Office on December 7, 2005 (5 pages);

Declaration of Dror Harats Under 37 C.F.R. § 1.132 dated August 28, 2006, Filed with the U.S. Patent and Trademark Office on August 31, 2006 (2 pages);

References submitted to the U.S. Patent and Trademark Office on December 7, 2005, (111 pages);

- Bocan, Curr. Pharm. Des. 4(1):37-52, 1998;
- Ishibashi et al., *J Clin Invest.* 92:883–893, 1993;
- Lichtman et al., Arterioscler. Thromb. Vasc. Biol. 19(8):1938-44, 1999;
- Maron, R. et al., FASEB J. 14:A1199-(Abstr.), 2000;
- Babaei et al., Cardiovasc Res. 48(1):158-67, 2000;
- Burleigh et al., Biochem Pharmacol. 70(3):334-42, 2005;
- Chen et al., Circulation. 106(1):20-3, 2002;
- Collins et al., Arterioscler Thromb Vasc Biol. 21(3):365-71, 2001;

- Cyrus et al., Circulation. 107(4):521-3, 2003;
- Elhage et al., Am J Pathol. 167(1):267-74, 2005;
- Li et al., J Clin Invest. 106(4):523-31, 2000;
- Napoli et al., Proc Natl Acad Sci U S A. 99(19):12467-70, 2002;
- Roselaar et al., Arterioscler Thromb Vasc Biol. 16(8):1013-8, 1996; and
- Wang et al., Atherosclerosis. 162(1): 23-31, 2002.

4. Return Postcard.

Applicants believe that no additional fees are due in this filing, however, the Commissioner is authorized to charge any additional fees due, or credit any overpayment of same, to the undersigned's account, Deposit Account No. 50-0311, Reference No. 25619-501.

Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529 Matthew Pavao, Reg. No. 50,572

Attorneys for Applicants c/o MINTZ, LEVIN

Tel: (617) 542-6000 Fax: (617) 542-2241 Customer No.: 30623

Dated: April 24, 2009